

EXHIBIT 1



Jay Calhoun <firm@law4sb.com>

Delano v. Rowland- Plaintiff's MIDP responses

1 message

Richard Liebowitz <rl@liebowitzlawfirm.com>
To: Jay Calhoun <firm@law4sb.com>

Mon, Jul 6, 2020 at 7:01 PM

Hi Jay,

Attached please find Plaintiff's MIDP responses.

Thank you.

Best,

Richard Liebowitz
Liebowitz Law Firm, PLLC
516-233-1660
www.LiebowitzLawFirm.com**Delano v. Rowland- Initial Disclosures.pdf**
108K

**UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA**

JAMES WHITLOW DELANO,

Plaintiff,

- against -

ROWLAND NETWORK COMMUNICATIONS LLC

Defendant.

Case No. 2:19-cv-2811-MTL

PLAINTIFF JAMES WHITLOW DELANO'S MANDATORY INITIAL DISCLOSURE

Pursuant to Rule 26(a) (1) of the Federal Rules of Civil Procedure, plaintiff James Whitlow Delano ("Delano") hereby provides the following Initial Disclosures. These disclosures are based on information reasonably available to Delano at this time, and Delano does not represent that it is identifying every document, tangible thing, or individual potentially relevant to this lawsuit. Delano continues to investigate the claims in this action, and reserves the right to produce during discovery or at trial such data, information, or documents as are subsequently discovered, generated, determined to be relevant, or determined to have been omitted from these disclosures. Delano also reserves the right to modify or supplement any or all of these disclosures.

Identity of Individuals Likely To Have Delano Information

The following persons are reasonably likely to have Delano information that Delano may use to support its claims in the above-captioned action. Delano has not provided contact information where he does not have such information and/or such information is already known or otherwise readily available to Defendant.

<u>Name</u>	<u>Company Affiliation/Address</u>	<u>Expected Areas of Knowledge</u>
James Whitlow Delano	<i>(contact only through counsel)</i>	<ul style="list-style-type: none"> • Knowledge regarding the creation of the copyrighted Photograph at issue. • Knowledge regarding any licensing of the copyrighted Photograph at issue. • Knowledge regarding the discovery of the use of the Photograph by Defendant.
Corporate Representative(s)	National Geographic	<ul style="list-style-type: none"> • Knowledge regarding the licensing of the copyrighted Photograph at issue.
Corporate Representative(s)	Rowland Network Communications LLC	<ul style="list-style-type: none"> • Knowledge regarding Defendant's standards, practices, policies, guidelines, and budgeting for licensing of copyrighted materials. • Knowledge regarding Defendant's net worth, gross revenues, net profits, and number of total employees for year ending 2017 and 2018. • Knowledge regarding the creation of the article on the Website that contained Plaintiff's Photograph. (hereinafter "Photograph") • Knowledge regarding from where the Photograph was obtained. • Knowledge regarding the number of page hits the Website received. • Knowledge regarding any advertising or other actions done to increase traffic to the Website • Knowledge regarding the number of shares, links or linkbacks to the article. • Knowledge regarding the advertising revenue earned from the article.

Donna Halperin	Liebowitz Law Firm, PLLC (counsel only through counsel)	<ul style="list-style-type: none"> Knowledge regarding the copyright registration of the work at issue.
Those subpoenaed or listed on Defendant's Initial Disclosures, and any Defendant's Supplemental Disclosures, any Defendant's amended initial disclosures, all individuals who have given or will give testimony in this case, any expert witnesses subsequently identified by Plaintiffs during expert discovery in this litigation, any and all experts or third parties relied upon by Defendant, all custodians and witnesses, all persons or entities referred in documents produced	Various	<ul style="list-style-type: none"> Various

Documents and Things in the Possession of Counsel or the Party

Plaintiff identifies the following categories of documents and things in its possession, custody or control that may be used to support its claims:

- The Photograph at issue.
- Any Licensing of the Copyrighted Photograph
- The United States Copyright Registration of the Photograph.

Statement of Basis for Damages

Plaintiff refers Defendant to the Complaint for an itemization of the types of damages suffered. As Plaintiff has not yet obtained discovery of Defendant's financial, sales and other relevant records, Plaintiff cannot make a reasonable estimate of the damages sustained or infringing profits he may recover as a result of Defendant's actions.

Insurance Agreements in Force

Not applicable.

Identities of Experts and Their Opinions

At this time, Plaintiff has not yet retained an expert, but reserves its right to do so as discovery progresses.

Dated: Valley Stream, New York
July 6, 2020

LIEBOWITZ LAW FIRM, PLLC

By: /s/Richard Liebowitz
Richard P. Liebowitz
11 Sunrise Plaza, Suite 305
Valley Stream, NY 11580
(516) 233-1660
RL@LiebowitzLawFirm.com

Attorneys for Plaintiff James Whitlow Delano

EXHIBIT 2



Jay Calhoun <firm@law4sb.com>

Delano v. Rowland Network Communications LLC - Discovery

1 message

Richard Liebowitz <rl@liebowitzlawfirm.com>
To: Jay Calhoun <firm@law4sb.com>

Thu, Jul 9, 2020 at 8:47 PM

Jay,

Please see attached.

Thank you.

Best,

Richard Liebowitz
Liebowitz Law Firm, PLLC
516-233-1660
www.LiebowitzLawFirm.com

2 attachments**Delano v. Rowland- First Set of Interrogatories 7.8.20 (1).pdf**
99K**Delano v. Rowland- Production of Documents 7.8.20 (1).pdf**
111K